but *held* constitutional. *Ferry* v. *Spokane, P. & S. Ry. Co. et al* (C. C. A., 9th Circ., 1920), 268 Fed. 117.

The decision here can be sustained upon the principle of public policy that the court reasonably assumes was the basis for the adoption of the statute in 1854. The pattern statute was passed in Michigan in 1846, which was first interpreted that the non-residence was to be at the time of husband's death. *Pratt* v. *Tefft*, 14 Mich. 191. It was later construed to be as at the time of conveyance. *Ligare* v. *Semple*, 32 Mich. 438. Wisconsin and Nebraska also adopted the Michigan statute and the later interpretation given it. *Ekegren* v. *Marcotte*, 159 Wis. 539; *Atkins* v. *Atkins*, 18 Neb. 474. In Kansas a similar statute specifically states that the non-residence is to be the time of death, § 2942. Now the states are knit closer together by means of rapid intercommunication, so that the difficulty of obtaining the wife's signature is greatly lessened. There will be cases of actual injustice, but it is better that the vendee should always get a clear title when he buys from one whose marital circumstances he cannot learn than that he should never be sure of his title until after the vendor's death the Statute of Limitations has run. "It is against public policy to allow restraints to be put upon transfers which public policy does not forbid." Also, it is a recognized principle of law that the disposition of unmovable property is exclusively subject to the government within whose jurisdiction the property is situated. *U. S.* v. *Fox*, 94 U. S. 315. The constitutionality has been questioned several times and the statutes always have been held good, and properly so for the reasons above pointed out. Not all of these are mentioned by the court, which relies largely upon citation of authority. The comment of the court upon part of the appellant's argument is, besides erroneous, very apt to be misleading as to the basis of the decision. The reason the law, by which a state imposes upon citizens of another state a tax upon their right of inheritance, which it does not impose upon its own citizens, is invalid, is that it conflicts with U. S. REV. ST., Sec. 1978. *In re Stanford's Estate*, 54 Pac. 259. It is not that the right of inheritance is more fundamental than the right of dower. The right of inheritance is not a natural and inherent right. *Dawson* v. *Godfrey*, 4 Cranch 321; *Knowlton* v. *Moore*, 178 U. S. 41; *Crane* v. *Reeder*, 21 Mich. 24. For other cases, see 9 L. R. A. (N. S.) 121. Nor is the right of dower a natural right, but it is founded on the law. *Randall* v. *Kreiger*, 23 Wall. 137. Other cases will be found cited in 9 R. C. L. 563. Thus, while both inheritance and dower are favored by the law, both are creatures of the law and stand on the same footing, so neither, as such, is "privileges or immunities" and protected by the constitution. The invalidity of the law concerning the inheritance tax was based upon statute. Thus, though the *dicta* of the case are wrong and confusing, the decision itself is correct.

CONSTITUTIONAL LAW—KANSAS ANTI-CIGARETTE LAW.—The act makes it unlawful to barter, sell or give away cigarettes or cigarette papers and also unlawful to keep them in a store or other place for barter, sale or free distribution. It provides that upon proper complaint there may be a search for and seizure and confiscation of such articles found. There is also a provision

that the possession of the prohibited article shall be considered *prima facie* evidence of a violation of the act. The defendant was convicted of both selling and keeping of the prohibited articles. He appeals on the ground that the act violates the equal protection and due process clauses of the Fourteenth Amendment. *Held,* the act is within the police power of the state and does not violate the Fourteenth Amendment. *State* v. *Nossaman* (Kan, 1920), 193 Pac. 347.

It has been held that the restriction or prohibition of the sale of cigarettes by a state, for the protection of the public health and welfare, is within the police power. *Austin* v. *Tennessee,* 179 U. S. 343; *Cook* v. *Marshall County, Iowa,* 196 U. S. 261; see also 4 MICH. L. REV. 124. There is sufficient ground for the classification by the legislature of cigarettes from other forms of tobacco, as being a special menace to the health and welfare of the people. *Gundling* v. *Chicago,* 177 U. S. 183. In the principal case the defendant contended that the provision of the statute making possession of cigarette materials *prima facie* evidence of a violation is a denial of due process. "That a legal presumption of one fact from evidence of another may not constitute a denial of due process of law or a denial of equal protection of the laws, it is only essential that there shall be some rational connection between the fact proved and the ultimate fact presumed, and that the inference of one fact from the proof of another shall not be so unreasonable as to be a purely arbitrary mandate." *Mobile, J. & K. C. R. Co.* v. *Turnipseed,* 219 U. S. 35, sustaining a statute making injuries inflicted by the running of trains *prima facie* evidence of negligence on the part of the railroads. The *prima facie* rule of evidence in the principal case complies with the above requirements. The inference of a violation of the statute from proof of possession is not so unreasonable as to be arbitrary. There is an administrative necessity for such a rule of evidence. With what intent or purpose the accused has cigarettes in his possession is a matter peculiarly within his knowledge. If his purpose is not unlawful he may easily rebut the inference, while the state would find it almost impossible to prove an unlawful purpose. When a state, exerting its recognized authority, undertakes to suppress what it is free to regard as a public evil, it may adopt such measures having reasonable relation to that end as it may deem necessary in order to make its action effective. *Purity Extract & Tonic Co.* v. *Lynch,* 226 U. S. 192. As said in *St. John* v. *New York,* 201 U. S. 633, "Not only the final purpose of the law must be considered, but the means of its administration—the ways it may be defeated. Legislation to be practical and efficient must regard this special purpose as well as the ultimate purpose." See also *Silz* v. *Hesterberg,* 211 U. S. 31.

CONSTITUTIONAL LAW—PRIVILEGES AND IMMUNITIES—LIMITATION ONLY UPON STATE LAW.—Defendants were indicted for forcibly transporting a number of persons out of the State of Arizona and warning them against returning by threats of violence. *Held,* no violation of the "privileges and immunities" clause of the Federal Constitution (Art. IV, Sec. 2), as this section is directed only against state action and not against that of individ-